

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the Interview held on May 24, 2007 and for indicating that the proposed amendment to claim 1 would overcome the rejection under 35 U.S.C. § 112.

Claims 1-36 are pending. By this amendment, claims 1, 3, 12-15, 17, 24, 25, 27, 35, and 36 are amended to more precisely recite the novel features of the present application, and new claims 37-39 are added. Support for these claim amendments can be found at least at page 8, lines 6-7, 10-11, 19-20, and 25-27, page 9, lines 5-7 and 14-15, page 11, lines 12-18, page 12, lines 10-12 and 18-19, and page 13, lines 17-18 of the specification. Support for new claims 37-39 can be found at least at page 6, lines 9-24 of the specification. The specification has been amended to update the status of co-pending application. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

35 U.S.C. § 112 Rejections

Claims 1, 17, 24, 35, and 36 are rejected under 35 U.S.C. § 112. This rejection is respectfully traversed. Applicant respectfully submits that the term “processing power” is described in the specification at least at page 8, lines 6-7, 10-11, 19-20, and 25-27, page 9, lines 5-7 and 14-15, page 11, lines 12-18, page 12, lines 10-12 and 18-19, and page 13, lines 17-18. Claims 1, 17, 24, 35, and 36 have been amended to more precisely recite this feature. Claims 12-15 are also amended to more clearly recite the respective novel features. Withdrawal of the rejection is respectfully requested.

Election/Restrictions

The Office Action asserts on page 3 that the claims are directed to the following patentably distinct species of the claimed invention:

A. Species I: Claims 1-23 and 35-36.

B. Species II: Claims 24-34.

Applicant elects Species I (claims 1-23 and 35-36) with traverse.

During the May 24, 2007 Interview, the Examiner stated that claims 24-34 in “B. Species II” are generic claims. Applicant respectfully submits that the restriction between generic claims (claims 24-34) and species (claims 1-23 and 35-36) is improper. *See* MPEP 806.04 (authorizing restriction *between species* if the species are independent or distinct). Withdrawal of the restriction requirement is respectfully requested.

The Office Action further asserts on page 3 that “The pending generic claims are not patentable because general wireless data communication (generic) is obvious with Brinkley et al. (US 2003/0003872 A1); therefore, it does not provide an inventive concept.” Applicant respectfully traverses. Applicant respectfully submits that the Office Action failed to establish a *prima facie* case of obviousness regarding any pending generic claims. *See In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) and MPEP § 2142 (To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations.).

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant’s undersigned representative at the telephone number listed below.

Respectfully submitted,



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